

REMARKS

This Application has been carefully reviewed in light of the Office Action electronically sent May 8, 2007. Claims 1-15 and 19-22 are pending in the application and are rejected. Applicants submit that the pending claims are patentably distinguishable over the cited references for the reasons given below. Applicants, therefore, respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 1-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,430,174 issued to Jennings ("*Jennings*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (*emphasis added*).

Claim 1 of the Application recites the following limitations:

A telephone for providing content to a client, the telephone and the client coupled to a communications network, the telephone comprising:

a network interface operable to couple the telephone to the communications network;

a handset operable to provide oral communication by a user of the telephone using the network interface;

a memory operable to store communication software and content for delivery to the client using the network interface, the content associated with the operation of the telephone; and

a processor coupled to the memory and operable to execute the communication software to enable the telephone to:

receive a request from the client for the content stored in the memory;

transmit the content from the telephone in response to the request, the content transmitted in a format for presentation in a graphical user interface on the client;

receive a request from the client to execute a telephone-related option selected by the user of the client in the graphical user interface; and

execute the requested telephone-related option.

Independent Claims 9 and 15 recite similar, although not identical, limitations.

Applicants respectfully submit that *Jennings* does not disclose each and every one of these limitations. For example, *Jennings* does not disclose a “telephone for providing content to a client” that includes “a memory operable to store communication software and content for delivery to the client using the network interface, the content associated with the operation of the telephone” or that includes a processor operable to:

- receive a request from the client for the content stored in the memory;
- transmit the content from the telephone in response to the request, the content transmitted in a format for presentation in a graphical user interface on the client;
- receive a request from the client to execute a telephone-related option selected by the user of the client in the graphical user interface; and
- execute the requested telephone-related option.

For a teaching of a telephone, the Office Action identifies telephone 209 of Figure 2A of *Jennings* (the Office Action also points to this telephone for a disclosure of the recited handset). Applicants do not take issue with this assertion. However, for all of the other limitations of Claim 1 (e.g., the claimed memory and processor), the Office Action points to various portions of a communications server 500 of Figure 5. However, the communications server is *not* a telephone and is entirely separate from telephone 209. *Jennings* discloses that communication server 500 of Figure 5 is the same as communication server 256 of Figure 2B of *Jennings*. As can be readily seen from this figure, the communications server is entirely separate from and different from telephone 209.

As required by Applicants’ claim, the telephone having the handset is the same telephone that includes the recited memory and processor and all their required functionality. For example, the telephone must “receive a request from the client for the content stored in the memory, transmit the content from the telephone in response to the request, the content transmitted in a format for presentation in a graphical user interface on the client, receive a request from the client to execute a telephone-related option selected by the user of the client in the graphical user interface, and execute the requested telephone-related option.”

Telephone 209 of *Jennings* performs none of these functions. As is made clear from *Jennings*, it is the communications server (which is *not* the telephone) which provides a multimedia interface *to* the telephone. See, e.g., *Column 10, line 64 – Column 11, line 1; Column 11, lines 52-56*. There is no disclosure of a telephone providing requested content stored in the memory of the telephone to a client or receiving a request from the client to execute a telephone-related option and executing the option. If anything, *Jennings* discloses the opposite to the extent that it discloses that the communication server provides content to the telephone.

For at least these reasons, Applicants respectfully submit that Claim 1 is allowable of *Jennings*. Therefore, Applicants respectfully request reconsideration and allowance of Claim 1, as well as the claims that depend from Claim 1. Furthermore, independent Claims 9 and 15 include limitations that are similar to those of Claim 1, and thus these claims are allowable for similar reasons. Thus, Applicants also respectfully request reconsideration and allowance of Claims 9 and 15, as well as the claims that depend from Claim 9.

CONCLUSION

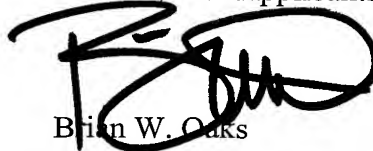
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Brian W. Oaks
Reg. No. 44,981

Date: 6/18/07

Correspondence Address:

Customer No. 05073